

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

V.

Cr. No. GLR-20-092

AVERY HAWKINS

Defendant

For: Avery Hawkins

MOTION TO SUPPRESS EVIDENCE

Avery Hawkins, by his undersigned counsel, hereby moves this Honorable Court to exclude from evidence in this case a gun seized from his person on September 26, 2019, due to violations of his Fourth Amendment rights and as grounds states:

1. On September 26, 2019, was arrested by five Baltimore City police officers as the defendant attempted to run out of a beauty shop in East Baltimore.
2. The arrest was made without a warrant.
3. The arrest was made without probable cause and was made in violation of Mr. Hawkins' Fourth Amendment rights. *Beck v. Ohio*, 379 U.S. 89, 96 (1984) and *Wong Sun v. United States*, 371 U.S. 471, 479 (1963).
4. Incident to the arrest, his pockets were searched.
5. The search was made without a warrant.
6. The search was made without probable cause and was a violation of his Fourth Amendment rights. *Wong Sun, id.*
7. The search resulted in the discovery of a weapon.

8. Because the seizure of the weapon resulted from violations of Mr. Hawkins' Constitutional rights, it must be suppressed and excluded from evidence at the trial of this matter. *Id.*
9. A legal memorandum in further support of this motion will be filed in short order.

WHEREFORE, Avery Hawkins moves this Honorable Court to exclude from evidence in this case a gun seized from his person on September 26, 2019

Respectfully submitted,

/s/
Richard Bardos, of Counsel
Schulman, Hershfield & Gilden, P.A.
1 East Pratt Street, 9th Floor
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(410) 332 0850

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th of August, 2020, a copy of the foregoing Motion was served electronically by ECF to: Office of the United States Attorney, 36 South Charles Street, Fourth Floor, Baltimore, Maryland 21201.

/s/
Richard Bardos